

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

COPIES OF THE REPORT AND PROCEEDINGS

OF THE

COMMISSIONERS APPOINTED

To treat with the Creek Nation of Indians,

FOR AN

EXTINGUISHMENT OF THEIR CLAIM TO LAND,

Lying within the State of Georgia, &c.

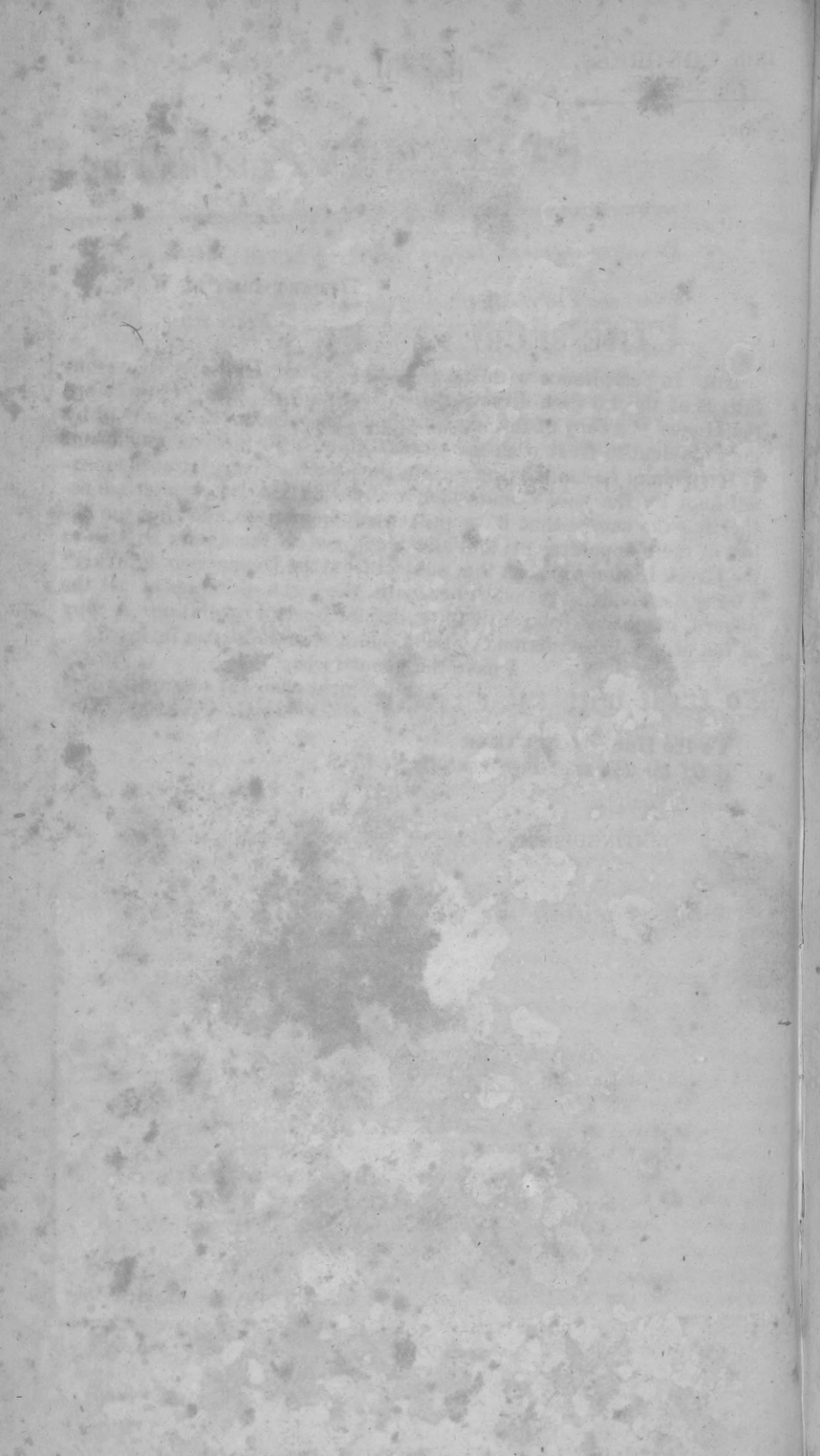
FEBRUARY 8, 1825,

Referred to the Committee on Indian Affairs.

WASHINGTON:

PRINTED BY GALES & SEATON.

1825.



DEPARTMENT OF WAR,

February 5, 1825.

SIR: In compliance with the resolution of the House of Representatives of the 1st inst. directing the Secretary of War to lay before the House "a copy of the report of the Commissioners appointed by the President to treat with the Creek Indians, for the extinguishment of their claim to lands lying within the state of Georgia; of the journal kept by the said Commissioners, and of the correspondence respecting the causes that have prevented them from effecting the object of their appointment; and also a copy of all the letters written to the Creek Indian agent on that subject from the Department of War," I have the honor to transmit herewith, the inclosed copies of all the papers, numbered from 1 to 10, called for by said resolution. A copy of the original instructions to the Commissioners is also inclosed.

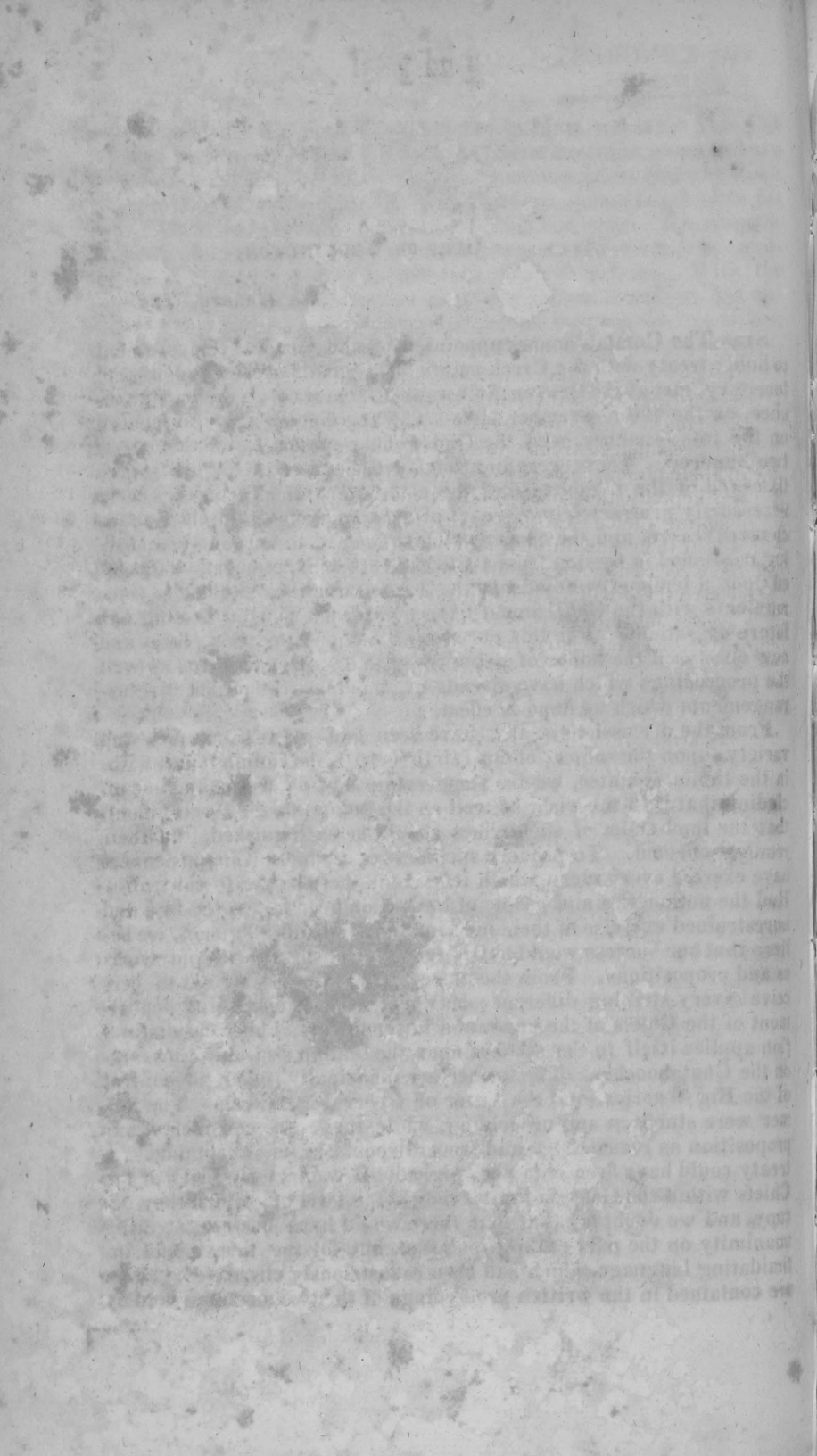
I have the honor to be,

Your most obedient servant,

J. C. CALHOUN.

To the Hon. the SPEAKER

Of the House of Representatives, U. S.



CITY OF WASHINGTON,

8th January, 1825.

SIR: The Commissioners appointed by the General Government to hold a treaty with the Creek nation of Indians, for the acquisition of territory, met at the Broken Arrow, an Indian town on the Chatahoochee, on the 29th November last. The negotiation was commenced on the 1st December, with the Chiefs of the nation, in number about two hundred. There were in attendance, however, from six to ten thousand of the inhabitants of the country. Our proceedings were necessarily protracted on account of our exposed situation, at an inclement season, and the obstacles which we had to encounter. Having continued in session from 1st to the 18th of December, we resolved upon a temporary adjournment, that we might be enabled to communicate with the Government upon points materially affecting our future operations. For this purpose, I have visited this place, and now do myself the honor of submitting to the Department, as well the proceedings which have already occurred, as the prospective arrangements which we hope to effect.

From the discussions which have been had, great in number and variety, upon the subject of our relations with the Indian tribes within the limits of states, we are very certain that we do not err in concluding that it is the wish, as well as the policy, of the Government, that the land claim of such tribes should be extinguished, and their removal effected. To produce such desired end, the Commissioners have exerted every mean which it was in their power to control.— Had the authorities and people of the nation been left to the free and unrestrained exercise of their own inclinations and judgment, we believe that our success would have been commensurate with our wishes and propositions. From the outset, it was impossible not to perceive a very striking difference between the sentiments and deportment of the Chiefs of the upper and lower towns. This local distinction applies itself to the settlers upon the Tallapoosa, and those upon the Chatahooche. The former are principally under the control of the Big Warrior, and the latter of General McIntosh. The former were stubborn and unyielding, while the latter considered our proposition as reasonable, and were disposed to its acceptance. A treaty could have been obtained, signed by a large majority of the Chiefs within the Georgia limits, ceding the territory which they occupy, and we doubt not, but that there would have been a striking unanimity on the part of the population, but for the threats and intimidating language which had been industriously circulated. These are contained in the written proceedings of the two meetings held by

a portion of the Chiefs at Tuckabatchee in May, and at the Pole Cat Springs in November last. The first of these meetings seems to have been produced, in some measure, by a communication made by John Ross, a Cherokee Chief, to the Big Warrior, immediately after his return from this place, in the spring of the last year. His communication was accompanied by manuscript copies of the whole proceedings which occurred shortly previous, with that tribe. With the precise tenor of Ross' letter, we could not inform ourselves, but understood that it proposed a concert of action between the two tribes; that it earnestly advised a resistance of the policy of the government, and that its further aim was to depreciate McIntosh, and to destroy his standing and influence. The course prescribed seems to have been scrupulously pursued, for, at the meeting at Tuckabatchee, the resolution was, to "follow the pattern of the Cherokees, and, on no account whatever, to consent to sell one foot of land, neither by exchange or otherwise." This meeting was attended exclusively by chiefs within the Alabama limits. The proceedings of this meeting were in the presence of, and reduced to writing by Captain Walker, the sub-agent, and carried, shortly after, in June, to the Broken Arrow by the Big Warrior, and submitted for sanction. No objection was made, except by McIntosh, neither do we understand that any direct sanction was obtained. The time which transpired between the period of this meeting, and the subsequent meeting at the Pole Cat Springs, in November, seems to have been industriously employed in confirming the decision of the upper town Chiefs, and in exciting and cherishing the fears and alarms of McIntosh and his adherents.

The second meeting at the Pole Cat Springs, was at the house of the sub-agent, and as on the previous occasion, he was the writer of the state paper, and immediately afterwards, caused both to be published in the newspapers of Alabama. A paper containing these publications accompanies this statement. Of the existence of these proceedings by which the question was prejudged, and the commission forestalled, we had no knowledge until we obtained it casually on our way to the treaty. Under these disadvantages the negotiation was commenced, and the journal of our proceedings, herewith furnished, will serve to shew, to some extent, the manner in which it was pursued. The Commissioners were dependent solely upon their own exertions. They derived no aid from the principal agent, and encountered the perfidious opposition of his assistant. I may not, sir, have a proper apprehension of the duties and obligations of the agent's department; but according to my convictions, a furtherance of the views and policy of the government should form its paramount consideration. The agent, however, entertains a different sentiment, and professes to pursue the course of strict neutrality. As against the agent, we make no charge of interference. But that Captain Walker has prostituted the duties of his office, and wantonly inter-meddled, we have no hesitation in alleging. If these people are capable, they are not inclined to draw the distinction, and therefore give to the conduct of Captain Walker the sanction of the agent's department.

I have, thus sir, enumerated some of the causes which operated, what our adversaries are pleased to regard, an entire defeat. We are far, however, from considering that we have failed in laying the ground work of the most pleasing and satisfactory success. The letter which I had the honor to address to the Department, from Augusta, in November, 1823, in which allusion is made to the sentiments of Gen. McIntosh, has been used as an instrument in the hands of his enemies, for the purpose of lessening his influence, and of bringing him into contempt among his own people. Satisfied, as I am, that nothing which I then said, or which I shall now say, ought rightfully to have such tendency, I shall proceed to detail some further proceedings, with which that individual is particularly connected. So long as the negotiation was conducted with the council generally, no answer was received, other than a prompt rejection of every proposition which was submitted. We were aware, that individuals sitting in Council acquiesced in such refusal, who are heartily disposed to a cession, but were held in restraint by the intimidating language of the adverse party. We made access to a number of Chiefs of this description, and received from them a full disclosure of their feelings, wishes, and difficulties. A Treaty could have been obtained, signed by a full representation of Chiefs, from all the towns within the limits of Georgia. The population contained within those limits, is represented by the Agent to be about ten thousand; and, also, to be the one half of the whole nation. Such treaty would have extinguished the Indian claim to all lands within the limits of Georgia; and would have effected the removal of that number of Indians, beyond the Mississippi. To the conclusion of such a treaty, at the time, and under the circumstances, two difficulties presented themselves. We had commenced our negotiation with the entire nation, represented by a National Council. After doing this, we were not fully satisfied that a treaty, obtained from a divided council, sitting at a different place, would have met the sanction of the government. Its rejection would have reduced its signers to the grade of common Indians, and perhaps have exposed their persons to the severest vengeance of the opposing party. It was, therefore, thought most expedient, to come to a temporary adjournment, and consult the government, in relation to the exigency. The authority of the executive is asked, to convene the Chiefs within the limits of Georgia—to negotiate with them exclusively, if we think proper, or inclusive of a deputation of Chiefs from the Upper Towns, if such deputation should present themselves, and evince a disposition to negotiate to further extent. The success of any future operation depends solely upon the decision to be made upon this proposition. The grant of such authority, with positive certainty, will result as I have stated. If it be considered as inconsistent or impolitic, then any further prospect of acquiring lands of the Creeks, by the process of negotiation, may be considered as closed. Much conversation was held with general McIntosh, concerning the details and consequences of such an arrangement. He is the only Indian with whom I have ever con-

versed, who seemed to comprehend rightly the connexion between the Indian tribes and the government of the United States.

If others have the like legal view of their condition, they have never had the candor or magnanimity to express it. He seems to appreciate very feelingly, the manner in which the tribe has been cherished; and the very humane and advantageous policy suggested by the President and the Department, of concentrating all the tribes in compact settlements, beyond the Mississippi. In effecting this design, he will have it in his power to be eminently useful. Himself and his followers, ten thousand in number, would form the largest tribe in the west; and, by example and invitation, would induce others to join them. It is sanguinely believed, that, even at the outset, if such arrangement were about to occur, that the nation would not permit itself to be divided, but, that the whole would come in, and that the removal would be general and entire. But if this desirable end could not be produced at once, the emigrating party would very speedily drain from our limits those who might remain. For considerations like these, I view it as matter of great moment to maintain McIntosh in his authority and influence, and in his estimation of himself. I beg to be pardoned, for suggesting, that I consider this much his due, from the important military services which he has rendered the United States. He stands very differently, in point of merit, from his principal opposer, the Big Warrior; and the like difference would be found in a comparison of the followers of the one, with those of the other. He has been to the west himself, and has the judgment to discover, and the candor to acknowledge, the superior advantages of a location in that quarter. He would have preferred the territory selected by the Choctaws, but has no objection to a settlement still further west. The emigrating party are desirous that as little time should be lost as possible. They will send out an exploring Committee, and wish to avail themselves of the spring and summer of this year, for that purpose. They are desirous, also, that the period of their removal, should not be beyond the next fall. Such promptness and expedition cannot be otherwise than acceptable to the government. It will be particularly so to the states which are interested. It is proposed by the emigrants themselves, to relieve the government from the entire expense and detail of transportation. A particular sum, not unreasonable or excessive in amount, will be stipulated to be given, which they will receive and disburse themselves, considering it is a full indemnity for the improvements which they abandon, the expenses which they may incur, either in transportation or the purchase of necessaries to sustain them in their new settlement.

Upon the subject of the government of the Creeks, we could not acquire information of a definite and satisfactory character. Their council is composed of a great number of Chiefs of various grades of authority. The Big Warrior is Head Chief of the Upper Towns, and McIntosh of the lower. He is also Speaker of the Nation. The Little Prince is highest in authority; being Head Chief of the Nation; and has been uniformly the friend and adherent of McIntosh. In the

present negotiation he considered himself bound by the sanction he had given to the proceedings at Tuckabatchee and Pole-Cat Springs. His attendance at those meetings we consider to have been insidiously procured.

The attendance of the head chief of the Cowetau Town was procured in like manner, at the last meeting at Pole Cat Springs. The name of this chief, as signed to the proceedings, is Tomma Tustanugga. I received the statement from himself, that he had been taken in, and imposed upon, and that he should not hold himself bound by the supposed pledge. This Cowetau town is the most extensive and numerous in the nation, and claims to be the original town of the whole tribe, and that all others are its branches. In proof of this priority of standing, I beg leave to refer you to our Journal, which contains a communication from the Council of the 11th of December, in which they say that "the first red people that ever visited the whites, were from the Cowetau Town. The like proof was contained in an observation of the Little Prince, during the negotiation. In argument, an old treaty was referred to, which had been concluded between the Creeks and the state of Georgia. Its authenticity was denied, on the ground that "no Cowetau chief had signed it." Cowetau is on both sides of the Chatahoochie; contains M'Intosh, the Little Prince, Tomma Tustunnugga; and extends from Broken Arrow to the Cherokee boundary. It is worthy of remark, that the treaty of 1821, concluded at the Indian Springs, is signed by but two chiefs on the Alabama side of the nation. The fact is, that M'Intosh maintains the right of the Cowetau Town alone, to dispose of the whole country. It would seem that the upper towns conceded this authority, and dreaded its exercise; for the utmost consternation was discoverable wherever it was known that commission [the commissioners] and the Cowetau chiefs had had an interview.

Thus, Sir, have I hastily detailed to you the obstacles which we had to encounter; the foundation which we laid; the prospective advantages which are held out to us; the manner of their attainment, and a very imperfect history of the relative powers of the Creek towns. I shall be gratified if the sketch shall be found to contain the information required. If it does not, its defects may probably be supplied by reference to myself; and [I] hope that such reference may be made, without reserve, as often as necessary.

I would add, very respectfully, that an early decision is desirable. It is in contemplation to return to the Creek country, re-assemble the chiefs by the 5th of February, and transmit the treaty in time for the adjudication of the present Senate.

With great consideration and esteem, I have the honor to be, Sir, your obedient servant,

DUNCAN G. CAMPBELL.

The Hon. J. C. CALHOUN,
Secretary of War, Washington City.

DEPARTMENT OF WAR,

16th July, 1824.

SIR: Major James Merriwether and yourself, have been appointed, by the President, Commissioners to treat with the Creek Indians, and I accordingly enclose herewith your Commission, and instructions.

Major Merriwether is notified of the appointment, and furnished with a copy of the instructions.

I have the honor to be
your obedient serv't.

JOHN C. CALHOUN.

Col. DUNCAN G. CAMPBELL,
Commissioner, &c.
Washington, Georgia

WASHINGTON, 27th July, 1824.

SIR: I had the honor of receiving yours of the 16th inst. accompanied by a commission to Major Merriwether, and myself to hold a treaty with the Creek nation of Indians. The instructions under which our proceedings are to be conducted, have also been received. I have this day written to the Creek Agent, Col. Crowell, upon the subject of the contemplated treaty, and have an expectation of seeing the other Commissioner this week at Athens.

The President and Department will please accept my acknowledgments for this additional mark of confidence, and the pledge of my best exertions, to accomplish the business of the appointment.

With great consideration and esteem,

I am, &c. &c.

DUNCAN G. CAMPBELL.

The Hon. J. C. CALHOUN,

DEPARTMENT OF WAR,

19th July, 1824.

GENTLEMEN: Upon reflection, it is thought proper to defer transmitting the funds, for the expenses of negotiating with the Creeks, until you have apprised the Department of your acceptance, and of the time at which the funds will be required. On the receipt of such information the funds will be forwarded.

I have the honor, &c.

JOHN C. CALHOUN.

Col. DUNCAN G. CAMPBELL,

AND

Maj. JAMES MERRIWETHER.

Commissioners, &c.

WASHINGTON, 27th July, 1824.

DEAR SIR: By the last mail I received a communication from the Secretary of War, advising me of the appointment of Commissioners, to treat with the Creek nation of Indians, for the acquisition of territory within the limits of Georgia. Before this reaches you, you will no doubt receive the like information. Being instructed to correspond with you upon the subject of the proposed treaty, I am happy that an acquaintance will authorize a free discussion of all matters connected with the subject. Having so recently heard of the appointment, I have not yet had an opportunity of seeing my colleague, Major Merriwether. We shall no doubt, have an interview next week at Athens, where we shall probably digest some plan for our future operations. In the mean time will you do me the favor, to give me your views as to the most convenient time and place of having the convention. Say, also, what number of Indians may be expected to attend, what length of time we shall probably be engaged in the negotiation, and what will be the most advisable mode of supplying rations at the least expense.

I am, &c.

DUNCAN G. CAMPBELL.

Col. JOHN CROWELL,

WASHINGTON, August 8, 1824.

SIR: Since writing you on the 27th, I have received yours of the 19th ult., relating to the transmission of the funds for negotiating with the Creeks. The Department will please consider us as having accepted the appointment of Commissioners. I have lately seen Major Merriwether; but not having heard from the agent, Colonel Crowell, we were unable to fix definitely upon the time of holding the treaty. We spoke of the 1st of November, as well suited for the occasion, and shall direct our arrangements to that period, unless the agent furnishes some satisfactory reason to the contrary. A young gentleman who resides at the agency reached here yesterday, and informs me that the agent received communications from the Department and myself at the same time, and at the moment of setting out for Savannah; that he will be here on the 15th inst., on his return. I shall avail myself of the opportunity of the interview, to acquire in detail all the information necessary to our future operations. The agent is intelligent and communicative, and, I am certain, will afford us all the facilities within his control.

I have, &c. &c.

DUNCAN G. CAMPBELL.

The Hon. JOHN C. CALHOUN.

DEPARTMENT OF WAR,

September 13th, 1824.

SIR: In drawing up your instructions, as Commissioner to treat with the Creek Indians, the subject of exchange of territory did not escape the attention of the Department; but there is, at present, no tract of land on the West of the Mississippi, to which the Indian title is extinguished, that could be offered in exchange. Such being the fact, it was believed that no arrangement could take place on the principle of exchange of territory, that would be satisfactory to the Creeks. If, however, you should find there is any likelihood of making the exchange, the Government would prefer that to any other arrangement; but such an arrangement would have to be conditional upon the extinguishing the Indian title to the tract that may be designated west of the Mississippi. Should any such tract be conditionally designated west of our settlements, the Government would immediately make arrangements for the extinguishment of the Indian title, in order to put the Creeks in possession of it. The enclosed sketch will show the present Indian boundaries in that quarter, which will regulate you in your location west, should an exchange of territory be adopted as the basis of the pending treaty with the Creeks.

I have, &c. &c.

JOHN C. CALHOUN.

To Colonel DUNCAN G. CAMPBELL.

AUGUSTA, August 6, 1824.

SIR: When on the eve of leaving home for Savannah, where I have to attend the District Court on business of the United States, I received information from the Department of War, of yourself and Major Merriwether being appointed to treat with the Creek Indians for lands within the limits of Georgia, as well as your letter on the same subject. As my presence at the Court in Savannah is indispensably necessary, I cannot attend you till my return, which, I think, will be about the 15th, when I will do myself the honor to call on you at your residence, and make the necessary arrangements preparatory to the meeting of the Indians. I hope the few days delay, in consequence of my trip to Savannah, will not be material, or interfere with your arrangements in relation to it.

I have, &c. &c.

JOHN CROWELL.

Agent for Indian Affairs.

Colonel DUNCAN G. CAMPBELL,
Washington, Georgia.

WASHINGTON, *September 5, 1824.*

DEAR SIR: Having received Major Merriwether's views upon the subject of a contract for supplying rations for such Indians as may attend the contemplated treaty, I now forward the result. The Major seems to be of opinion, that advertising for proposals will be the most expedient plan which we can adopt. I have given you on the other side an extract from his letter to which I ask your attention. Situated as you are, with more means of information on the subject than we possess, and having also had the benefit of experience upon the matter of contract, we must necessarily place much reliance upon your judgment and discretion. You will readily perceive that it is an object as well as a duty to be cautious as well as economical. Keeping these principles in view, we will request you to pursue such course as you may deem most expedient in procuring a favourable and efficient contract. I shall attend Baldwin Court on the 4th Monday in this month, when I shall be glad to be informed of any matter affecting our negotiation. We are greatly concerned for the result of our mission, and must beg you to prepare the nation for the issue we desire.

I am, &c. &c. &c.

DUNCAN G. CAMPBELL.

COL. JOHN CROWELL.

PRINCETON, CREEK NATION,

September 20th, 1824.

SIR: In reply to your letter of the 5th instant on the subject of a contract to be made for supplying rations for such Indians as may attend the contemplated treaty, I have to observe, that I did, while at Washington, give you the best information I possessed in relation to this subject. I will with pleasure close a contract for you, or do any thing you may require me to do in relation to the contract, or any other matter touching the business of the treaty that I can consistently do. But it must be distinctly understood, that it is to be done under your special instructions. Should you determine to advertise for proposals, there is no time to spare, and if you wish me to close the contract, you will direct the proposals to be made to me at the Creek Agency on a given day for rations to be issued to the Indians at Broken Arrow, near Fort Mitchell, to commence on the 25th of November, and to continue as long as the Commissioners may require. Should the proposals be directed to me it must be done on or before the 1st of November, as I shall be absent from that date to the 20th of November on business in Savannah.

From the best information I have been able to collect, I think we may reasonably calculate on about five thousand Indians attending the treaty.

I have, &c.
JOHN CROWELL,
Agent for I. A.

COL. DUNCAN G. CAMPBELL, *Milledgeville.*

PRINCETON, CREEK NATION,

September 27th, 1824.

SIR: Since I wrote you last, I have had an interview with a number of the head chiefs of the Creek Nation at this place. I stated to them that Commissioners had been appointed by the United States for the purpose of holding a treaty with them for the purchase of the lands within the limits of Georgia, and the Commissioners and myself had appointed the 25th November for the meeting, and at this place; but in consequence of the indisposition of several of the Head Chiefs, they opposed to fixing upon that day. I then urged them to as early a day as possible, and we finally agreed upon the 6th of December as the earliest day they would consent to. You will therefore, consider that as the day of the meeting, instead of the 25th of November, as agreed upon between us at Washington.

I have, &c.
JOHN CROWELL,
Agent for I. A.

COL. DUNCAN G. CAMPBELL,
Washington Georgia.

WATKINSVILLE, *13th October, 1824.*

SIR: I have declined answering yours of the 20th and 27th ultimo, knowing that I should have an interview with Major Merriwether at this place. Having had that interview, I now communicate the result. When we fixed the 25th November as the day of commencing our negotiations with the Creeks, we felt that it was a more distant period than was well suited to our convenience. It is therefore with more reluctance that we obtain an assent to a postponement of the time. The 6th of December is an extension of the time which will result in such an interference with our engagements, as to be highly objectionable. We have therefore come to the conclusion of suggesting the 1st of December, as better suited to ourselves, and which we hope will in no wise be exceptionable to the chiefs or yourself. We are of opinion that a contract for supplying rations, can be most economically obtained by advertising for proposals. Your intended absence, as

mentioned in yours of the 20th, will occur at a time when the proposals should be opened, and a contract closed. We have, therefore, advertised for proposals to be delivered to ourselves at Milledgeville, on the 8th of November, at which time a contract will be reduced to form, and a requisition made. About that time, you will probably pass Milledgeville, on your way to Savannah. Should this be the case, we shall be very happy to have the benefit of your experience and judgment on the subject. We shall be obliged to you to issue a friendly invitation to the chiefs to meet us at Broken Arrow on the 1st of December. It will be matter of regret if the time is objected to, for we have seen no substantial reason given by the nation for the postponement.

I am, &c. &c.

DUNCAN G. CAMPBELL.

Col. JOHN CROWELL.

On the 8th day of November, the commissioners met at Milledgeville, for the purpose of receiving proposals for the supply of rations at the contemplated treaty, when the following contract was entered into.

STATE OF GEORGIA.

Memorandum of a contract this day entered into between James Meriwether and Duncan G. Campbell, commissioners on the part of the United States, of the one part, and John H. Brodnax, of the other part, *Witnesseth*:

The said Brodnax agrees to furnish said commissioners with supplies for such of the Creek nation of Indians as may attend a treaty to commence with said nation on the first day of December next, at the Indian town called Broken Arrow, on the Chatahoochie river. A requisition is, by these presents, now made on said Brodnax, for twenty thousand rations, to be ready for delivery on the day, and at the place, aforesaid. The ration to consist of twenty ounces of beef, twenty ounces of sifted corn meal, and the army quantity of salt. The beef part of the ration estimated at five cents; the meal part at three and three fourth cents, and the salt part at one fourth of a cent. In case of failure on the part of the said Brodnax, to furnish the full supply of rations, having the component parts aforesaid, then he is to be liable for the deficiency, according to the above estimates.

It is further stipulated that the said Brodnax is to furnish any additional supply of rations, of the same component parts, at the same place and at the same prices, which the Commissioners may require, pending the negotiations with the said nation, the said Brodnax being furnished with the earliest practicable notice of the requisite of further supplies after the commencement of the said negotiation on the day aforesaid. It is further stipulated, that the said Brodnax is to give the necessary attention of himself, agents, or laborers, in taking

care of and issuing the rations aforesaid from day to day as the same may be demanded for use. The Commissioners, on their part agree to pay at the rate of nine cents per ration for each and every ration furnished by said Brodnax, under the requisitions of said Commissioners. The sum of eighteen hundred dollars is now advanced to said Brodnax in consideration of the twenty thousand rations agreed to be furnished as aforesaid, but to be refunded in proportion to any deficiency which may occur in furnishing the amount of said first requisition.

Witness my hand and seal this 9th November, 1824.

JAMES MERRIWETHER, [L. S.]

D. G. CAMPBELL, [L. S.]

JOHN H. BRODNAX, [L. S.]

Signed, sealed, and acknowledged in presence of
SAMUEL D. ECHOLS.

STATE OF GEORGIA.

Know all men by these presents, that we, John H. Brodnax, Zachariah White, Magers Henderson, and Laird W. Harris, are held and firmly bound to James Merriwether and Duncan G. Campbell, Commissioners acting on the part of the United States, in the sum of five thousand dollars, for which payment, will and truly to be made, we bind ourselves, our executors, administrators, &c. jointly and severally, firmly, by these presents. Witness our hands and seals, this 9th November, 1824.

The condition of the above obligation is such, that whereas the above named John H. Brodnax hath this day entered into a contract with the said Commissioners, acting on the part of the United States, to furnish a supply of rations in the Creek nation, at the time, upon the terms, and in the quantities specified in a contract bearing even date herewith. Now, if the said Brodnax shall well and faithfully abide, fulfil, keep, and perform, all and singular the covenants, undertakings, and agreements, in said writing specified, and shall not violate, neglect, refuse, or fail, to comply therewith, then the above obligation to be void, else to be and to remain in full force and virtue.

JOHN H. BRODNAX, [L. S.]

ZACHARIAH WHITE, [L. S.]

M. HENDERSON, [L. S.]

LAIRD W. HARRIS. [L. S.]

Test

SAMUEL D. ECHOLS.

PRINCETON, NEAR BROKEN ARROW,

November 30th, 1824.

The Commissioners arrived this day at this place, and finding the Indians convening in considerable numbers, issued to the agent and the contractor the following instructions and orders:

PRINCETON, CREEK NATION,

30th November, 1824.

SIR: Pursuant to instructions, and also of a circular from the Department of War, copies of which are herewith furnished, you are designated to ascertain the number and component parts of rations issued daily, pending the present treaty. The manner of issuing and certifying to conform as near as may be to the mode which prevails in issuing rations to soldiers. At the close of the treaty, the account will be presented to us for approval.

Your obedient servants,

DUNCAN G CAMPBELL,
JAMES MERRIWETHER,

United States Commissioners.

Col. JNO. CROWELL,
Agent for Indian Affairs.

PRINCETON, CREEK NATION, 30th Nov. 1824.

SIR: The issuing of rations to the Indians will commence on tomorrow morning. The agent of the nation, Colonel Crowell, has been designated to ascertain the number and component parts of rations issued daily. Rations will be issued daily, in the morning, at the old factory buildings, in such numbers as the agent may require.

Your obedient servants,

DUNCAN G. CAMPBELL,
JAMES MERRIWETHER,

United States' Commissioners.

Major JOHN BRODNAX, Contractor, &c.

December 4th, 1824.

The Commissioners having been this morning notified of the organization of the Council, attended, with the nation's agent, at twelve

o'clock, and were introduced. The Council were informed that the commissioners held their authority under the United States, and had important business to transact, which would be disclosed in a talk on Monday.

On this day an additional requisition was made upon the Contractor, as follows:

SIR: From the increasing number of Indians now convening at this place, an additional number of rations will be necessary. You are required forthwith to supply the further number of twenty thousand rations to be issued according to the terms of your contract, entered into with us.

D. G. CAMPBELL,
JAMES MERRIWETHER,
U. S. Commissioners.

JOHN H. BRODNAX, Contractor.

December 7th, 1824.

The inclemency of the weather prevented a meeting of the Chiefs on yesterday. On this day the following address was delivered to them in full council:

Friends and Brothers of the Creek Nation:

We met you on Saturday last around your great council fire, and were received with the pipe and the right hand of friendship. We then informed you that we had the same feeling towards you, and that we were commissioned by our Father the President of the United States. We also told you that on this day we would make known to you the object of our visit. We now tell you, that upwards of twenty years ago a bargain was made between the United States and Georgia. The United States agreed to purchase for Georgia all the lands lying within certain limits. In this direction, the line runs from Florida up the Catahoochie to the first big bend above the mouth of Uchee Creek, and thence to Nickejack on the Tennessee river. Georgia has made several requests of the United States to have this agreement carried into effect. The United States, feeling bound by her contract, has appointed commissioners, and they are now before you on this business. The President finds you entirely surrounded by white people. He sees that there are frequent interruptions by encroachments on both sides. A great many complaints are sent to him. He has attended to all these things, as he wished to make them all quiet. He has extensive tracts of country under his dominion beyond the Mississippi, which he is willing to give you in exchange for the country you now occupy. We make you an offer, not only for your territory within the limits of Georgia, but for your whole country. The price which we are to give can be more fully stipulated hereafter. This can consist, in a great measure, of other lands, of such extent and value as may be agreed upon. But our government

would do something more so as to make your removal easy, and your new settlement secure and comfortable. In a matter of this weight, we cannot say at once all we have to lay before you. We shall expect you to listen to us as long as we have any thing to say, and we will do the same by you. We want you to take time and consider, and deliberate well before you decide either way. We know that our government has not directed us to make an unjust or improper offer to you. We cannot consent, therefore, that our propositions should be put aside in a hasty manner. After going fully into the subject on both sides, we shall be able to lay our proceedings before the President, and let him decide upon what has been done.

Whenever you are ready to answer us, we shall be ready to meet you. In all our intercourse, we desire good understanding.

YOUR FRIENDS AND BROTHERS.

December 8th, 1824.

The following reply was this day made by the Chiefs to the address of yesterday:

Friends and Brothers:

On Saturday last we received you as members of our Father's family. The pipe, as a token of peace, was offered to you, and you received it; the right hand of friendship was extended to you, and you did not refuse. Your talk was, that you were sent to us by our Father the President of the United States; that you would, in two days, repeat to us our Father's talk. You have, in part, done so.— You have told us that upwards of twenty years ago a bargain was made between the United States and Georgia; that the United States agreed to purchase for Georgia all its lands lying within certain limits, &c. The agreement between our Father, the President of the United States, and our Brothers of Georgia, we have never before this time been acquainted with, nor are we now convinced that any agreement between the United States and the state of Georgia will have the effect of alienating the affections of a just parent from a part of his children, or aggrandizing the one by the downfall and ruin of the other. That ruin is almost the inevitable consequence of a removal beyond the Mississippi we are convinced. It is true, very true, that we are "surrounded by white people;" that there are encroachments made. What assurances have we that similar ones will not be made on us, should we deem it proper to accept your offer, and remove beyond the Mississippi? and how do we know that we would not be encroaching on the people of other nations?

We will await your next communication, entertaining the hope that you will then acquaint us with the whole of your talk.

We have *all* confidence in our Father, the President, and in yourselves as commissioned by him, and are convinced that you will deal justly by us.

As we have met friends, we wish to continue so, let the result of our meeting be as it may.

Your Friends and Brothers,

LITTLE PRINCE, his X mark.

O. PORTHLE YOHOLLO, his mark.

Speaker of the Upper Creeks.

WM. McINTOSH, his X mark.

Speaker of the Nation.

HOPOY HADGO, his X mark.

WM. HAMBLY, P. I.

CHILLY McINTOSH,

Clerk of the National Council.

The following requisition was this day made on the contractor:

SIR: We perceive that an additional number of rations will be necessary; you will, therefore, have twenty thousand more in readiness immediately.

JAMES MERRIWETHER.

DUNCAN G. CAMPBELL.

Major JOHN BRODNAX.

DECEMBER 9th 1824.

The following address was this day made to the Chiefs.

FRIENDS AND BROTHERS: We attended your council yesterday, and received your talk, which we are glad to find made in a spirit of good feeling and liberality. This was expected of you, on account of the kindness and protection which has always been extended to you by the United States. You have requested that the whole of our talk be delivered at this time. We have no objection to go fully into that subject, and although the time allowed is very short, we believe we shall be able to comply with your request.—Brothers, we now proceed to explain the nature of your connection with the General Government, and although it may not be very pleasing, it is, nevertheless, true.

We ask you, how did the Muscogee nation come by this country? You came from the west and took the country from another people, who were in possession. After living here a great many years, the people from over the *big waters* came in large vessels and took some of the country from you, and set up their own Government, and made laws, and made you obey them. Ninety-two years ago the British granted a charter to all the land between Savannah and Alatamaha rivers, up to their heads, and thence to the western ocean. Then, afterwards,

sixty years ago, the same British government extended the limits of Georgia to St. Mary's river; thence, along the Florida line, to Mississippi river.

All this was Georgia 'till 1802. We will now tell you how the country we have described happened to belong to the United States:—About fifty years ago, a war broke out between the British and her own people who were here. The war lasted seven years, and the British were conquered—you took part in that war, and were conquered also. All the country which was conquered, belonged then to the conquerors. The British were all driven off, and you would have shared the same fate, but for the humanity and goodness of the new government, which was established after the war. This new government was called the United States of America; and directly after it was formed, it held treaties with you, and all other Indian tribes.—You are not the only tribe that fought on the side of the British; every other tribe did the same, and all were treated alike—all gave up and claimed protection, and were received into favor. The Delawares made a treaty at Fort Pitt, and gave up their power; the Six Nations did the like at Fort Stanwix; the Cherokees, at Hopewell, and the Creeks, at New York.

Since the war of the Revolution, when General Washington fought, the Indian tribes have had no power in the United States. It was not your fault that your forefathers fought against their country, yet you have to be the sufferers by their rashness. Since this time some of you have shown yourselves worthy of being the President's children, by fighting by the side of the white man, against the foes of liberty. The President will always stand by you, and protect you against want, and against your enemies. He has not sent us here to make offers, or propose schemes for your injury or destruction. On the contrary, the most earnest wish of his heart is, that you should be preserved; that you should live and prosper; that you should advance in civilization; that you should have good laws, and obey them; that you should have schools, and learn; that you should have churches, and worship him who made you. But the question is, how are we to attain these desirable ends? The President, in great goodness, has pointed out the way: Fifteen years ago he advised some of his red children to go beyond the Mississippi. Five thousand went, and are free from intrusion and disturbance from the whites. These limits are extended, and they are not surrounded and hemmed in on every side. If the young men wish to pursue the game, it is there found in abundance; if they wish to become herdsmen and cultivators, the soil is well suited for these purposes. But, above all, if you wish to quit the chase, to free yourselves from barbarism, and settle down in the calm pursuits of civilization and good morals, and to raise up a generation of Christians, you had better go. The aid and protection of the government will go with you. The good wishes of the best men alive will go with you; and the missionaries, with their schools and meeting-houses, and good examples and prayers, will be planted in the midst of you. Brothers, the talk which we now deliver to you is from the

mouth of a great and good man, our father, the President. In speaking to his Cherokee children, he says these words: "My impression is strong, that it would promote essentially the security and happiness of the tribes within our limits, if they could be prevailed on to retire west and north of our states and territories, on lands to be procured for them by the United States, in exchange for those on which they now reside. Surrounded as they are, and pressed as they will be on every side, by the white population, it will be difficult, if not impossible, for them, with their kind of government, to sustain order among them. Their interior will be exposed to frequent disturbances, to remedy which, the interposition of the United States will be indispensable, and thus their government will gradually lose its authority, until it is annihilated. In this process the moral character of the tribes will also be lost, since the change will be too rapid to admit their improvement in civilization, to enable them to institute and sustain a government founded on our principles, if such a change were compatible either with the compact of Georgia, or with our general system, or to become members of a state, should any state be willing to adopt them in such numbers. But all these evils may be avoided if these tribes will move beyond the limits of our present states and territories."—These are the words of the President, used no longer ago than last March. We will now give you the talk of the Secretary War, Mr. Calhoun, to the Cherokees, last January. He says, "You must be sensible that it will be impossible for you to remain for any length of time in your present situation, as a distinct society or nation, within the limits of Georgia, or any other state. Such a community is incompatible with our system, and must yield to it. This truth is too striking and obvious not to be seen by all of you, surrounded as you are by the people of the several states. You must either cease to be a distinct community, and become, at no distant period, a part of the state within whose limits you are, or remove beyond the limits of any state."

We have thus given you the talks of two of the highest authorities of the United States, the President and Secretary of War. These, to be sure, were delivered to the Cherokees, but they apply with equal force to you, for both are within the Georgia limits, and the United States are bound to extinguish your title. Brothers, we might add the talks of the members of Congress from Georgia to the President, and also the talk of our head man, the Governor of Georgia. We have these by us, and will explain them to you verbally. They are too long to be included in this writing. We can here say this much of them, that they set forth very strongly the rights of Georgia.—That the President has listened to them, and sent us here for the purpose of settling matters which threaten to produce the greatest disturbances and serious consequences.

Brothers, before we came into your country, we read in the newspapers, where some of you had held two meetings at Tuckabatchee and Pole Cat Spring, and signed a talk to "follow the pattern of the Cherokees, and never sell another foot of land." We fear you have suffered yourselves to be misled. You have made a hasty conclusion

which you are unable to support. Whether this was produced by the Cherokee talk that was sent to you, or by the intermeddling officiousness of interested individuals, or by both, we are not exactly prepared to say. But we warn you against the advice of intruders and false prophets. As lofty grounds as the Cherokees have taken, we have no doubt of seeing the time when they will come under the laws of the whites, or go to the west, where they can be to themselves. These two meetings which you have had are rash and premature. They are not binding even upon those who signed them, much less are they binding upon the nation. This is the place where laws are made, in full Council, not at Tuckabatchee or Pole Cat Springs, where a mere handful are gathered together, not, perhaps, so much by their own consent, as by designing individuals. This nation was once led into a dreadful war by advisers and false prophets. Take care how you listen to talks which come from such sources. No man, no nation, has a right to interfere with the affairs of this nation. We shall make our propositions open and fair to this Council. If our talk is received, we doubt not but the good of yourselves and of the United States will be advanced. If it is rejected, it will be to the injury of both. There shall be no interference with us, and we shall be inclined to try the extent of our powers, if we detect any interference with you.

Brothers, we have heard you say that you love the country you live in, and that you are opposed to a removal. This is not the first country which has been sold by its proprietors. The United States has lately bought Florida from Spain, and the Spaniards are gone, part to Cuba, and others beyond the seas. The United States, some years ago, bought Louisiana from France, and many of the inhabitants removed thousands of miles from the place of their birth, and where their fathers were buried. The United States have lately made a treaty with the Seminoles, and have marked out a country for them, and told them to go to it. The United States have exchanged lands with the Choctaws, and that tribe have a flourishing settlement, with which they are very much pleased, on Red River, including the Warm Springs. Other instances might be given, where countries have been sold, and people removed. We believe, that, by an exchange and removal, this nation would secure a safe and permanent resting place, where they would be free from interruption and disturbance. You would have some encouragement to clear fields and build good houses. They would be yours, and yours not for a short time; but for yourselves and generations afterwards. You flourish best when at a distance from the settlements. In going through your country, where do we find the most improvements? On the lines of the states, and even on the public roads, we hardly ever see a field or a house. You retire within, in order to get clear of the intrusions and encroachments of disorderly whites, who sometimes gather upon our frontiers. But even in the interior, the state of your improvements are such as to show that there is something wrong—that you do not consider yourselves at home. You told the Commissioners at the Indian Springs, that your people had quit hunting, and settled down to the

industrious use of the axe, hoe, plough, and loom. The game is gone, but still we find you ranging in parties in all directions; some to Florida, some to the Cherokee and Choctaw nations, and some have gone even beyond the Mississippi. Brothers, we plainly see, and we know it to be true, from the talks of the President, the Secretary of War, the Governor of Georgia, the Georgia delegation in Congress, and the Legislature of Georgia, for years past, that one of two things must be done:—you must come under the laws of the whites, or you must remove. Brothers, these are not hard propositions. If you intend to be industrious, and go to work in earnest, our laws will not be burthensome. But the difference would be so quick and so great, that at first it might make you restless and uneasy. But let you go where you will, a change in your condition will be the study of christians and the work of the Government. Brothers, we now tell you what we, in the name of your Father, the President, want you to do. We want the country you now occupy. It is within the limits of Georgia and Alabama. These states insist upon having their lines cleared. The President will do this by giving you a better country, and will aid you in removing; protect you where you may go, against whites and all others, and give you a solemn guarantee in the title and occupancy of the new country which you may select.—We now leave you to pause, to examine, and decide. This talk comes to you full of friendship, yet it is of serious and important import. By deciding for yourselves, it may prevent others from deciding for you. We want an answer, as soon as it may be convenient to give it. The Congress of the United States and the Legislature of Georgia are both in session, and they will want to know what has been done.—We again assure the nation of our friendly feeling.

DUNCAN CAMPBELL,
JAMES MERRIWETHER,
U. S. Commissioners.

10th December, 1824.

The following requisition was this day made on the Contractor:

SIR: Furnish forthwith twenty thousand rations, which we perceive will be requisite.

DUNCAN G. CAMPBELL,
JAMES MERRIWETHER,
U. S. Commissioners.

Maj. JNO. H. BRODNAX.

11th December, 1824.

The following reply was this day received from the Chiefs, in answer to the address delivered them on the 9th inst.

THLE-CATCH-EA,

11th December, 1824.

Friends and Brothers: You have given us a very long talk which we will now answer the most prominent parts of.

You tell us of things which we never heard before. You tell us that the Muscogeas are not the original proprietors of this soil; that they came from the West, and obtained it by conquest. This we do not know. From all the traditions which have been handed down to us from our forefathers, we have been impressed with the belief, that we are the original and sole proprietors of the soil. Brothers, the first white people that ever landed here, found us here. The first red people that were known to visit the whites, were from the Co-weta town. We are therefore under the conviction that our people are the original proprietors of the soil, as an inheritance left to us by our forefathers. As proof of this, every sale of lands which has been made to the whites, has been made by the Muscogeas. But admit that we now hold our lands by right of occupancy only—admit the claim of Georgia to have been a good one to that part of country ceded to the United States by the treaty of cession of 1802, a stipulation in that agreement declares, that the United States willl extinguish for Georgia the Indian title to the lands within the ceded limits, so soon *only* as it can be done on peaceable and reasonable terms. This certainly admits the claim of the Muscogeas to the right of an occupancy, until they are willing to dispose of that occupancy. It is true, that, in the war between Great Britain and her colonies, that many of our people were deluded by the British, and persuaded to take the side against the colonies. But after the conclusion of that war, which terminated in favor of the colonies, a new, free, and independent government was formed and acknowledged by all or many of the European powers.

After the establishment of the United States Government, they made treaties with the different tribes, and the first treaty entered into between the Muscogee nation and the United States, at New York, in August, 1790, the 5th article of which, here follows, viz: "The United States solemnly guaranties to the Creek nation, all their lands within the limits of the United States, to the westward and southward of the boundary line described by the preceding article," expressly guaranties to this nation all the lands within certain limits, and not ceded by that treaty; a part of which lands, are the lands which Georgia now claims. The 2d article of the treaty of Fort Jackson, done in August, 1814, speaks this language: "The United States will guaranty to the Creek nation, the integrity of all their territory, eastwardly and northwardly of the said line, to be run and described as mentioned in the first article."—At the treaty of the Indian Spring in January, 1821, in reply to a request made by the Chiefs of the nation to the Commissioners, for a guarantee to the remainder of their lands, the Commissioners said verbally, "that we

had already a sufficient guarantee in two former treaties," alluding, undoubtedly, to the treaties of New York, in 1790, and Fort Jackson, in 1814. Taking into view, words of the treaty of cession with Georgia, and the several guarantees in treaty stipulations between this nation and the United States, as well as the letter of the Honorable George Graham, acting Secretary of War, to the Creek deputation, dated 17th March, 1817, an extract of which here follows, viz: "The land which was guarantied to you by the treaty signed by General Jackson and your Chiefs and head men, on the 9th of August, 1814, is your land, and your Father, the President, who holds you and your nation fast by the hand, will take care that no part of it is ever taken from you, excepting by the free consent of the Chiefs and head men, given in council, and for a valuable consideration"—it seems to have been distinctly understood by the contracting parties, and acknowledged by the government of the United States, that no coercive measures were to be apprehended by us; nor can we believe, that our Father, the President, will act otherwise than in good faith, in the strict and faithful performance of treaty stipulations. Brothers, we have already parted with various tracts of our land, until we find our limits quite circumscribed—we have barely a sufficiency left us. The proposal to remove beyond the Mississippi, we cannot for a moment listen to. Brothers, we have among us, aged and infirm men and women, and helpless children, who cannot bear the fatigues of even a single day's journey. Shall we, can we leave them behind us? Shall we desert, in their old age, the parents that fostered us? The answer is in your own hearts—No! Again, we feel an affection for the land in which we were born; we wish our bones to rest by the side of our fathers. Considering, then, our now circumscribed limits, the attachments we have to our native soil, and the assurances which we have, that our homes will never be forced from us, so long as the Government of the United States shall exist, we must *positively decline* the proposal of a removal beyond the Mississippi, or the sale of any more of our territory. Brothers, we feel gratified by the friendly disposition manifested towards us by you, and as we met friendly, so we hope to part.

Your Friends and Brothers.

[Signed as before.]

DECEMBER 15th, 1824.

In conversation with Colonel Crowell, the Agent, the Commissioners were informed that the two publications dated at Tuckebatchee and Pole Cat Spings, signed by a number of the Upper town Chiefs, were written by the sub-agent, Captain Walker, that the first was brought to this place in June last, no signatures were obtained, but the Agent understood it to be consented to generally. It was then in the hand writing of Captain Walker, the last meeting

where the Pole Cat proceedings occurred was at Walker's house. No communication was made to the Government of either of these proceedings.

The following communication was received from his excellency the Governor of Georgia,

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, 9th Dec. 1824.

GENTLEMEN: The Legislature will probably adjourn about the 18th inst.; and, as much anxiety is manifested to know whether you have any prospects of concluding a Treaty, I have sent an express that this letter may be safely delivered into your own hands. If there are no prospects of bringing your mission to a favorable termination, be so good as to apprise me of the obstacles you have had to encounter—if you found yourselves anticipated and forestalled by the Indian Council, held in the Spring, of which we received the first notice recently through an Alabama print. Inform me, if you please, by what authority that Council was held: whether with the knowledge, countenance, or encouragement of the Agent: was the Agent present at that Council, and what part did he take: who drew up their State Paper: were the proceedings of that Council made known by the Agent to his Government, without delay, and was it with a knowledge of these proceedings that you were appointed: were any allusions made to them in your instructions. You will pardon the trouble I give you. There is no absolute right, on my part, to propound these questions; no obligation on yours to answer them. Nevertheless, you are citizens of Georgia, and if your negotiations fail, you will see how necessary it will be for me to receive true and correct answers to these questions, from such authority as will enable me to use them in vindication of our rights to the best advantage. You will not infer from any of them that hasty inferences have been indulged to the prejudice of the Government of the United States. Hope is still entertained, that all will be right, and in no event will any thing be sought to inculpate the Government of the United States, but strict matter of fact.

With great consideration and respect,

G. M. TROUP.

To which the following reply was returned:

PRINCETON, NEAR BROKEN ARROW,

December 14, 1824.

SIR: Your express arrived here on Sunday, and found us absent on a small excursion up the river on business most importantly con-

ned with our mission. We did not return till yesterday, and then in excessive rain, which has greatly retarded our operations. We are not without our difficulties in determining what shall be our answer to the several inquiries which you have propounded. These do not arise, however, from any reluctance to make to you a full disclosure of our proceedings, and the obstacles which we have had to encounter, but from an apprehension that, by such communication, we might, *for the present*, weaken the means of which we hope successfully to avail ourselves. As Agents of the General Government, and as citizens of Georgia, we cannot regard your efforts upon this subject in other than the most favorable light; and at a time more seasonable, in case of our failure, we shall be prepared most heartily to cooperate in your views, and upon the very points of your inquiries.

We commenced our negotiations in writing; as far as it has progressed in this way, we send you a copy. This method has been abandoned, as too formal, and liable to too many interruptions. Our discussions will be conducted orally for the future, and in this way we shall enjoy advantages which will probably lead to success.

The proceedings which you have seen published, as occurring at Tuckebatchee, and Pole Cat Springs, were evidently intended to forestall us. They have, in a great measure, had the effect, by spreading alarm throughout the nation, by the miserable farrago of threats which they contain. For some time past, the Cherokees have exerted a steady and officious interference in the affairs of this tribe. That this has derived additional impulse, and that we are now encountering a daily interference most active and insidious, we have no doubt.

We decline a specification, in the hope that we may succeed without it, and thereby avoid its irritating consequences. Deeply sensible that a persevering zeal is indispensable, in furtherance of the policy of the Government, and in vindicating the rights of Georgia, we will communicate again by express, to reach you in the forenoon of Saturday, if such step should appear to us to promise any advantage.

With sentiments of great consideration and respect, we are your obedient servants,

DUNCAN G. CAMPBELL,
JAMES MERRIWETHER.

His Excellency GEORGE M. TROUP, *Milledgeville.*

On this day, December the 14th, the Commissioners attended the Council, and found them engaged in the earnest discussion of the subject of the treaty. Eight or ten chiefs delivered their opinions at considerable length, and some with great earnestness and vehemence. After they had closed, the Commissioners were invited in, and having previously arranged with the Council to conduct the negotiation, verbally delivered to them a talk, which insisted, in strong terms, upon the acquisition of the whole country by exchange, or of a part by exchange or purchase. The wishes of the General Govern-

ment were urged. Efforts were used to convince the Council that such arrangement was indispensable, whether considered in relation to the United States or themselves. That, for the safety and better means of defence of the United States, and to enable her to comply with the compact with Georgia, it was necessary that the states should lie together in a compact form. That, for the protection and improvement of the nation, it was necessary they should go out of the limits of the states. They were warned against the talks of any body except the General Government; that they had been misled by the Cherokees and others, whose duty it was to have instructed them better.

Many other topics were also urged, and documents read, showing the rights of the United States and Georgia, and the opinions and wishes of the General Government.

At the close of the Commissioners' remarks on the above subject, they proposed that the balance of the negotiation should be conducted by a number of chiefs, to be selected by the Council; and that the mass who were standing round, and occasioning great expense in rations, should be discharged. They also proposed that the place of negotiation should be changed to some room which should be more comfortable and convenient; and that the Commissioners would pay the expense of such a room. To the whole of these last propositions a flat denial was received. It was answered, that they would discharge none of their people; that they would meet no where but in the square; and that proceedings should be in the presence of all who were attending. Two chiefs then gave their answer to the main subject of the Commissioners' talk. These were short but pointed, consisting of but little more than the "emphatic No." The Council were then informed that the Commissioners could not take such answer as conclusive; that they should continue the negotiation as long as they thought proper, and would expect to meet the Council again on to-morrow.

The following letter was addressed to the Agent:

SIR: Having been instructed by the War Department to call on you for any information or assistance which we might need, pending the present treaty, we have to request that you cause to be produced to us certain documents transmitted by the Cherokee nation, or some individual thereof, to this nation; also a letter, purporting to have been written by one Charles Casheda, of Tennessee, to the Big Warrior. We deem an inspection of the above documents material to us, in furthering the just views and policy of the General Government. If they are in the custody, power, or control of yourself or sub-agent, we shall be thankful, if you will cause them furnished as soon as practicable.

We are, Sir, your obedient servants,

DUNCAN G. CAMPBELL.

JAMES MERRIWETHER.

Colonel JOHN CROWELL, *Agent, &c.*

To which the following reply was received.

GENTLEMEN: In reply to your note of this date, in relation to certain documents said to have been transmitted to the nation by the Cherokees, I have to remark, that no such documents, or documents of any description, from the Cherokees, are in my possession; but, on application to the sub-agent, he has delivered to me the enclosed papers, and states, that they are all that are in his possession. He states, that the letter of Casheda of Tennessee to the Big Warrior, he believes to be in the possession of the Warrior.

Mr. Peck, who acted as Secretary to the Creek Council, informs me, that he has in his possession the correspondence between the Cherokees and the United States' Commissioners at New-Town, but that he does not feel himself authorized to give them up, without the consent of the chiefs, from whom he received them.

I have, &c. &c.

JOHN CROWELL,

Agent for Ind. A.

MESS. CAMPBELL and MERRIWETHER,
United States Commissioners.

Note.—The papers furnished, were, a letter from the Cherokee delegation to the President; letter from D. G. Campbell to the Secretary of War, dated 28th November, 1823; Report of Secretary of War to the President; Secretary of War to Cherokee delegation; the delegation to the Secretary of War; President's Message to Congress. The above papers were in manuscript, and, as we believe, in the hand-writing of John Ross.

December 16, 1824.

The Commissioners met the Council again on this day, and gave them a talk. Reference was had to the treaties of Augusta, Galphinton, and Shoulderbone, for the purpose of showing, that even before the Revolution, the lands which the nation occupied were not held by title, but reserved to them simply for hunting-grounds. Subsequent treaties were also referred to, and many arguments urged in favor of an entire or partial cession of lands. A distinct proposition was then submitted, that the United States would give lands in exchange for the entire possessions of the Creek nation, acre for acre, and to indemnify the nation for their improvements, and the expenses of removal, would pay the sum of five hundred thousand dollars, or would make an exchange for the lands within the limits of Georgia, giving as odds, the sum of three hundred thousand dollars. To these arguments and propositions, the Little Prince replied, that he had directed his warriors several times to tell the Commissioners that he had no land for sale; but that we would not believe them, therefore he would answer himself. He said he should

listen to no old treaties. That at New York the nation gave up land, and that General Washington gave them the balance, and told them it was theirs; and that they never intended to spare another foot. The Commissioners then laid before them sundry documents, containing evidence of a claim in favor of Blackburn and Houston, of Tennessee, against the nation, forwarded by the War Department, and then retired.

December 18, 1824.

The Commissioners met in council, and asked whether they persisted in the determination which they had expressed, of ceding lands on no terms. The Big Warrior's deputy answered, that he would not take a house full of money for his interest in the land; and that we might take this for a final answer.

In regard to the claim from Tennessee, the council insisted on delay; stating, that papers were in the hands of the Big Warrior, which were material. They said further, that the arrest of the claimants, and the capture of their goods, were under the order of the agent, Col. Hawkins; and that this order could not then be produced; and that they could not consider the claim any further at this time.

The Commissioners then took their leave of the Council, and retired.

On the evening of this day the Commissioners consulted as to the course best to be pursued. Believing that they had been defeated by *combination* and *preconcert*, they resolved to pursue the subject by every means of which they could avail themselves. It appeared that the most active, industrious, and insidious means, had been resorted to for months, for the purpose of inspiring confidence, determination, prejudice and obstinacy, in one part of the nation, (Upper town,) and of spreading fears and alarms in the other, by threats and menaces. These were frequently repeated in the course of the negotiation. The Commissioners found themselves overreached in the selection of the place. The combination had every opportunity of exerting its devices, and the Commissioners had but few facilities of counteraction. We satisfied ourselves that a treaty could be obtained from the chiefs within the limits of Georgia, and to the extent of the Georgia claim. The basis of such treaty would have been exchange of territory, and would have effected the removal of one half of the nation, 10,000. The Commissioners, entertaining some doubts of the validity of treaty signed by individual council, and fearing to expose such part of the chiefs to the resentment of the combination, resolved upon a temporary adjournment, for the purpose of obtaining the further instructions of the Government. The following communication was then addressed to the Secretary of War. But the Commissioners, considering that the business of negotiation requires to be precipitated, and that the least delay would

endanger success; and, considering further, that the subject admits of better explanation, and greater detail, by a personal interview with the Executive of the Union, determined that a member of the board should, with the least possible delay, proceed to Washington City, and that proceedings should rest until his return. D. G. Campbell being selected to make the visit to Washington, the board adjourned, and resolved to set out for Georgia the next day.

No. 3.

Extract of a letter from Col. Duncan G. Campbell, Commissioner, &c. to the Secretary of War, dated Washington, 11th January, 1825.

"Having understood from the Department this morning, in a verbal conversation, that the President, after consulting the Cabinet, had declined granting to the Commissioners the authority which was asked in my communication of the 8th instant, I take leave to propound another course, and to request that I may be instructed accordingly, as the decision may be made.

"The facts, heretofore disclosed, shew a willingness, on the part of the Indians within the Georgia limits, to cede their territory, and to emigrate; but insurmountable obstacles present themselves to the acceptance of a treaty thus concluded. It is now proposed to reassemble the chiefs of the whole nation; to renew the offers already made; to obtain the entire Creek country, if practicable; but if this cannot be effected, then to accept a treaty, signed by the chiefs, within the limits of Georgia, provided such treaty be accompanied by the assent of the other chiefs, that the land to be abandoned by the emigrating party, shall be immediately subject to the disposition of the Government. I am unable to perceive any objection, to which this proposition may be liable. If the President entertains the like views, and we can receive specific instructions that the plan proposed coincides with the wishes and policy of the Government, I have a strong assurance that a treaty, highly favorable, may shortly be obtained. The special message of the President, which you mentioned as being about to be made, will no doubt be found an efficient auxiliary."

No. 4.

Copy of a letter from the Secretary of War to Col. Duncan G. Campbell, Commissioner, &c. &c. dated

DEPARTMENT OF WAR, Jan. 13, 1825.

SIR: I am directed by the President to inform you that Captain Walker, the sub agent of the Creek nation, has been discharged by

his order. The reasons for his discharge, will appear in the letter to Colonel Crowell, the agent, covering the discharge of the sub agent, a copy of which is herewith enclosed.

The agent was instructed, by a letter from this Department of the 16th July last, covering an extract from the instructions to yourself and Major Merriwether, to obey your orders on all points connected with the proposed treaty, as will appear by a copy of the letter and of the extract referred to, and herewith enclosed. It was not doubted by the Department, but that he would zealously co-operate in effecting the object of the Government in authorizing the treaty to be held. It appears, however, by the report, that the agent neglected to inform you of the previous meetings and decision of the Creek chiefs at Tokaubatche and the Pole Cat Springs, which had so material a bearing on the negotiation, and that the commissioners had to rely solely upon their own exertions, without aid from the agent, who assumed a neutral position. It also appears, from the journal, that, in the opinion of the commissioners, the Creek Indians had been misled by the Cherokees, and *others whose duty it was to have instructed them better.* It is the desire of the President, before he makes any decision on the conduct of the agent, to be put in full possession of all the facts and circumstances, which may enable him to form a correct opinion as to his conduct and motives in withholding his co-operation; and particularly, whether the agent received any instruction from the commissioners directing his general or particular co-operation, which he refused, or neglected to fulfil, and who are referred to in speaking of "others," in the extract from the journal of the proceedings of the commissioners above stated; and particularly, whether the agent was, and if so, by what particular acts of his were the Creeks misled.

It is doubtless the duty of the agent to watch over and to protect the Indians assigned to his agency, and to advance their interest in all cases under the treaties, laws, and instructions of the Department; but still he is the agent of the Government, and is bound in all cases to give his zealous co-operation in effecting its views. In addition to which, in this case, he was particularly directed to obey the instructions of the commissioners, which ought to have excluded all doubt as to his duty, affording all the aid in his power to contribute to a successful termination of the treaty.

The commissioners, in their communication to the governor of Georgia, speaking of the difficulties in answering his inquiries, remark that these (difficulties) do not arise from any reluctance to make to you (the governor) a full disclosure of our proceedings, and the obstacles which we have had to encounter, but from an apprehension that, by such communication, we might, for the *present*, weaken the means of which we hope successfully to avail ourselves. As agents of the general Government, and as citizens of Georgia, we cannot regard your efforts upon this subject, in other than the most favorable light; and at a time more seasonable, in case of our failure, we shall be prepared most heartily to co-operate in your views, and upon the very points of your inquiries." Again, "that we are now encoun-

tering a daily interference, most active and insidious, we have no doubt. We decline a specification, in the hope that we may succeed without it, and thereby avoid its irritating consequences."

The President requests to be informed of the nature of the communication which was withheld from the governor, and which, if it had been communicated, would, for *the present*, weaken the means of which the commissioners hoped successfully to have availed themselves; and which, at a time more seasonable, in the case of a failure, they proposed to make known, and to co-operate with his views on the points of his inquiries, and what was the nature of the means referred to; and, also, what was the nature of those active and insidious interferences which the commissioners encountered, but which they declined specifying in their answer to the governor, in order to avoid irritating consequences; and from whence such interferences came.

The proposed renewal of the negotiation renders the explanation the more desirable. The President is very solicitous for its successful termination; and a full disclosure of the nature, extent, and source of the opposition at which the commissioners hint, will enable him to adopt such measures, as the facts disclosed may require.

I have the honor to be

Your most obedient servant,

J. C. CALHOUN.

To Col. DUNCAN G. CAMPBELL,
Commissioner, &c. &c.

No. 5.

Copy of a letter from the Secretary of War to Col. John Crowell, Indian Agent, &c. dated

DEPARTMENT OF WAR, Jan. 13, 1825.

SIR: I herewith enclose a letter to Captain Walker, discharging him from the service of the United States, as sub agent, which you will cause to be delivered as speedily as practicable. The charges against Captain Walker are, generally, that he aided and countenanced the Indians in their opposition to the treaty, and, particularly, that he penned the publication of the Creek chiefs, at Tokaubatchee and the Pole Cat Springs; and that their meeting at the latter, was at his house, and with his sanction and countenance. In addition to the above, it appears, by verbal statements, that Captain Walker has married a daughter of one of the principal chiefs of the nation, which creates a relationship that is calculated to influence him improperly in the discharge of his duty. Captain Walker's place will be filled by the Department, as soon as a suitable person can be selected.

I have, &c.

J. C. CALHOUN.

Col. JOHN CROWELL,
Indian Agent Creek Agency, Ga.

No. 6.

Copy of a letter from the Secretary of War to Mr. William Walker, sub-agent, &c. dated 11th January, 1825.

DEPARTMENT OF WAR, Jan. 11th, 1825.

SIR: It appearing, by the journal and report of the Commissioners, appointed by the President, to treat with the Creek Indians for a cession of territory. that, so far from contributing to effect the object of the Government, your influence has been used in defeating the successful termination of the treaty, I am directed by the President to inform you that you are, in consequence, discharged from the service of the United States as sub-agent; and your pay and duties will accordingly cease on the receipt of this communication.

I am, respectfully,

Your obedient servant,

JOHN C. CALHOUN.

To MR. WILLIAM WALKER,
Sub-agent, Creek Agency.

No. 7.

Copy of a letter from S. S. Hamilton, to Col. John Crowell, Indian Agent, &c. dated 16th July, 1824.

DEPARTMENT OF WAR,

Office of Indian Affairs, 16th July, 1824.

SIR: Colonel Duncan G. Campbell and Major James Merriwether, have been appointed by the President Commissioners to treat with the Creek Indians for a further extinguishment of their title to lands within the limits of Georgia; and I am directed by the Secretary of War, to notify you thereof, and to transmit to you the enclosed extract of his instructions to the Commissioners, for your information and government.

With great respect,

I have the honor to be,

Your obedient servant,

S. S. HAMILTON.

To Col. JOHN CROWELL,
Indian Agent, Creek Agency, Geo.

Extract of a letter from the Secretary of War to Col. Duncan G. Campbell and Maj. James Merriwether, Commissioners, &c. dated 16th July, 1824.

“The probable amount of provisions that will be required to be issued to the Indians while treating with them, and the price at which

they can be obtained, can be ascertained by a correspondence with the agent, Col. John Crowell, who is instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as may be necessary to prepare the Indians to meet the Commissioners at the time and place which they may fix on for holding it, and of which he should be early apprized."

No. 8.

*Copy of a letter from Duncan G. Campbell to the Secretary of War,
dated 14th January, 1825.*

WASHINGTON CITY,

14th January, 1825.

SIR: I have received yours of yesterday, informing me of the removal of Capt. Walker from the office of Sub-agent of the Creek Nation, and asking further information respecting the position assumed by the principal agent; and asking, also, an explanation of certain passages contained in the commissioners' journal.

I regard the impeachment of an individual, of official delinquency, as matter of delicate import. I did not, therefore, permit myself to become the accuser of Capt. Walker, until, by actual observation, and from his own acknowledgment, I was possessed of direct and manifest proof of his guilt. Not possessing the like evidence against the agent, I cannot consent to be considered *his* accuser. My only allusion to this officer was upon the ground of his non co-operation, and his omission to restrain his sub-agent in his adverse movements. This was in compliance with the course suggested by the department, which required an enumeration of all the difficulties which we had encountered. As far as he has been brought into question, by my report, on account of the negative course which he professed to pursue, and the neutrality which he assumed, the grounds taken have been fully sustained by the President and Department. In any proceeding beyond this, I decline an agency. It only remains for me, then, to give explanations to certain passages which you have cited in the journal; to limit or extend their bearings as the state of facts may require, and to answer certain questions which you have propounded.

I am asked "whether the agent received any instructions from the commissioners, directing his general or particular co-operation, which he refused or neglected to fulfil?" The power of the commissioners to control the agent was derived from their instructions; and the tenor of these instructions will shew the extent of that power. The article connected with the subject is this:

"The probable amount of provisions that will be required to be issued to the Indians while treating with them, and the price at which they can be obtained, can be ascertained by a correspondence with the agent, Col. John Crowell, who is instructed to obey your

orders on all points connected with the proposed treaty, and to take such steps as may be necessary to prepare the Indians to meet the commissioners at the time and place which they may fix on for holding it, and of which he should be early apprized."

The construction given to this article was, that it limited itself to the *provisions* which might be needed at the treaty, and to the *assemblage* of the Indians. Our expectations that the agent would co-operate, were formed from our convictions of his duty as the officer of the Government. If, as appears to be the fact, his convictions were otherwise, our order would have been an unavailing process. On reference to the journal, I find, in a letter which I addressed to the agent on the 5th September, this sentence:

"I shall attend Baldwin Court on the fourth Monday in this month, when I shall be glad to be informed of any matter affecting our negotiation. We are greatly concerned for the result of our mission, and must beg you to prepare the nation for the issue we desire."

Whether this will be regarded as an "instruction," 'directing a general or particular co-operation,' I cannot undertake to say. It is most certain that the agent did not so regard it; or, if he did, then he failed to 'fulfil' it: for neutrality was his avowed course from beginning to end.

I now proceed to an explanation of the allusions contained in the letter of the commissioners to Governor Troup, of Georgia. The Legislature of that state being in session, and near a close, the Governor communicated with the commissioners by express. This happened at what we considered the crisis of the negotiation. The very day on which the express arrived, was spent by the commissioners at Cowetaw, a few miles distant from the treaty ground, on business connected with the treaty. The absence of the commissioners—the dispatch of an express to Georgia—the arrival of the Governor's express from Georgia, the communication had, by the commissioners, on that day, with some of the chiefs, had the effect of producing great confusion and alarm in the ranks of those who considered themselves our adversaries. This was manifested by the hasty departure of two messengers to the Big Warrior, one on the night of the 13th, and the others on the morning of the 14th December; one of these messengers was sent at the instance of the sub-agent himself. The Big Warrior was not present at the treaty, but seemed to be represented by a committee of four. With these, the sub-agent had constant intercourse; and, in council, they were the organ of the opposition. For these acts of interference he was called to account by the commissioners, and given to understand the danger to which he had exposed himself. The withholding of these facts was intended to have its operation upon Walker, and to be made the price of his co-operation. These are some of the 'insidious' and 'daily interferences' to which we had allusion; and this is the individual whom he intended to designate. The business of negotiation, always intricate when applied to Indians and their advisers, becomes peculiar, and is often influenced by circumstances seemingly unimportant.

Thus, sir, have I answered the several points upon which the President required *further* information. In doing this, I have had reference alone to facts of a positive character. To none others did I consider myself warranted in resorting. Impressions, circumstances, incidentally occurring, public rumor, or newspaper speculations, I have not considered as topics proper to be embodied in this report.

I have the honor to be,

Your most obedient servant,

DUNCAN G. CAMPBELL.

The Hon. J. C. CALHOUN,

Secretary of War.

No. 9.

DEPARTMENT OF WAR,

18th January, 1825.

SIR: The President has deliberately considered the proposition submitted by the Commissioners to treat with the Creeks, of holding a separate treaty with Gen. McIntosh, for a cession of that portion of the Creek territory lying within the limits of Georgia; and, altho' he is very desirous of acquiring for the state of Georgia the land in question, he is of opinion that he cannot, with propriety, authorize the treating, with Gen. McIntosh alone, as proposed by the Commissioners. There could be no objection to an arrangement with him to abandon the country which he now occupies, and to settle, with his followers, on such tract of country as might be assigned to him, on the west of the Mississippi; but the President is of opinion, that it is not in the power of Gen. McIntosh to cede any portion of the land belonging to the Creek nation, without the assent of the nation itself. The principle on which such cession would be made, without such consent, would involve the idea, that every individual in the nation would have a right to cede to the United States, the particular portion of the country in which he might be in actual occupancy; and would, in effect, completely destroy that degree of independence which, under the laws, treaties, and usages of the Government, they have ever enjoyed.

Tho' a treaty cannot be made for these reasons with Gen. McIntosh alone, for a cession of territory, yet the President can see no objection to a renewal of the negotiation, as proposed by your letter of 11th instant, in order to obtain an arrangement with Gen. McIntosh, with the consent of the nation, for the cession of the country in question; and you are, accordingly, in conjunction with Major Merriwether, as Commissioners, authorized to renew the negotiation. You will, however, distinctly perceive in the remarks which have been made, that, whatever arrangement may be made with General McIntosh for a cession of territory, must be made by the Creek nation, in the usual form, and upon the ordinary principles with which treaties are held with the Indian tribes.

In the renewed negotiation, you will consider the instructions formerly given of the 16th July, and as applying to the renewed negotiation, as far as they are, in their nature, applicable.

The agent has received instructions to give his hearty co-operation in the object of the negotiation, and to obey, in every respect, the orders which you may give under your instructions. A copy of the letter to the agent is herewith inclosed, for your information.

I have the honor to be,

Your most ob't servant,

J. C. CALHOUN.

To Col. DUNCAN G. CAMPBELL,
Commissioner, &c. &c.

No. 10.

DEPARTMENT OF WAR,

18th January, 1825.

SIR: I enclose, by direction of the President, a copy of a letter from this Department to Col. Campbell, one of the Commissioners to treat with the Creeks, and a copy of his answer to the same. The nature and object of the letter, and the reply, sufficiently explain themselves, and will require no particular remarks.

In communicating them, however, to you, I am directed by the President to state, that, although he sees nothing in the journal and report of the Commissioners, or in the answers of Col. Campbell, to impeach your motives, yet he does not approve your conduct in relation to the late treaty. Though it is the duty of the agent to protect and cherish the Indians confided to his care, yet that duty never can be in conflict with the paramount one which he owes to the Government, and which on all occasions obligates him to give his hearty co-operation in effecting its views.

The Department did not suppose that any doubt was entertained on this point, and therefore did not particularly inculcate this duty in its instructions to you in relation to the Creek treaty. The extract, however, from the instructions to the Commissioners, in which they are informed that you would obey their instructions on all points, which was communicated to you, is considered as sufficiently indicating the views of the Department in regard to your duties.

The President attributes the fact to a misconception of your duties, that you did not report the meeting of the Indians at Tuckabatchee and the Pole-cat Springs, either to this Department or to the Commissioners, and that you did not adopt decisive measures to control the conduct of the Sub-agent in his opposition to the views of the Government.

The treaty is about to be renewed, and the President, feeling much interest in its successful termination, looks with confidence to your hearty co-operation with the Commissioners. You will spare no

pains in preparing the Indians for the meeting, and contributing to the successful termination of the negotiation; and it is also expected, that you will cheerfully, and with alacrity, obey such instructions as you may receive from the Commissioners in the fulfilment of their duties, under the instructions of the Department, a copy of which is herewith enclosed.

I am, &c. &c.

JOHN C. CALHOUN.

To Col. JOHN CROWELL,
Indian Agent, Creek Agency.

No. 11.

DEPARTMENT OF WAR,

July 16th, 1824.

GENTLEMEN: I have the honor to enclose you a commission, to treat with the Creek Indians.

At the late session of Congress, an appropriation was made, in addition to the unexpended balance of the appropriation heretofore made, for the same object, (which together make a sum of \$50,000,) to enable the President of the United States, to take the necessary measures for the extinguishment of the title of the Creek Indians, to the land now occupied by them, lying within the limits of the state of Georgia. The President, desirous that the object of the appropriation should be accomplished as fully as practicable, has directed the whole amount of it to be placed subject to your controul, and he anticipates, from your prudence and abilities, the most favorable termination to the proposed treaty. You will take care, however, that the whole expenses of negotiation, including those of your commission, issues of provisions and presents under your orders, and such preliminary expenses as the agent may be authorized to incur, shall, in no event, exceed the sum of \$50,000. The probable amount of provisions that will be required to be issued to the Indians, while treating with them, and the price at which they can be obtained, can be ascertained by a correspondence with the agent, Col. John Crowell, who is instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as may be necessary to prepare the Indians to meet the Commissioners at the time and place which they may fix on for holding it, and of which he should be early apprized. The enclosed circular will be strictly complied with, in contracting for the provisions, and in issuing them.

It is the desire of the Government, that the feelings and wishes of the state of Georgia should be particularly attended to in any treaty that may be made with the Creek nation. The particular tract, and the extent of country, therefore, to be treated for, are left to your sound discretion. The sum to be stipulated, for any cession that may be obtained, must also, be left very much to your discretion, taking

into consideration its extent and the quality of the soil; but, rather than the treaty should fail, the price ought to be liberal; but in no event, to exceed the price paid under the treaty of the 8th January, 1821, with the Creek nation. The terms on which the land was then purchased, were considered very high. For the purchase made by that treaty, the United States stipulated to pay \$200,000 in specified instalments, and they assumed to pay, as a further consideration for said purchase, to the state of Georgia, in five annual instalments, whatever balance might be found due by the Creek nation, to the citizens of said state; which balance has been ascertained to amount to \$100,589; making, in the whole, as the consideration for that purchase, the sum of \$300,589. You will, therefore, in fixing on a price for any cession, which may be proposed to be made by the Creek nation, in no event exceed the price given by that treaty, taking into consideration the quantity of land ceded by it, and the quantity of that proposed to be ceded, but will, if possible, obtain it on more reasonable terms. The quantity of land ceded by the Creeks, in the treaty just mentioned, may be ascertained, from the surveys which it is presumed, have been made of it by the state of Georgia. To ascertain the quantity which they may now propose to cede, reference must be had to the best sources of information that can be obtained, particularly to the latest and most authentic maps of the state.

For the expenses of negotiating the treaty you will draw on the Branch Bank at Savannah, of which you will give the Department notice. The bank will be authorized by the Treasury Department, to accept your drafts, provided they do not exceed \$50,000.

Your compensation will be at the rate of \$8, and that of your Secretary (whom you are authorized to appoint,) at the rate of \$5, a day, for the time actually engaged. The payment will be made on your certificate of honor, specifying the time that you and your Secretary have been actually engaged. Your certificates, in like manner, will be a necessary voucher for presents distributed under your authority.

I have the honor to be, &c.

J. C. CALHOUN.

To Col. DUNCAN G. CAMPBELL, and
Major JAMES MERRIWETHER.

Commissioners, &c.

NOTE—The additional instructions of the 13th September, 1824, are to be found in the Journal of the Commissioners.

